

### **REMARKS**

Claims 62-65 are amended. Claims 62-67 are pending in the application.

Claims 62-67 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yu, U.S. Patent No. 6,180,468; or under 35 U.S.C. §103(a) as being unpatentable over Yu in combination with Shenai, U.S. Patent No. 4,985,740. The Examiner is reminded by direction to MPEP §2131 that anticipation requires each and every element of the claim to be disclosed in a single prior art reference. The Examiner is further reminded by direction to MPEP §2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Pending claims 62-67 are allowable over Yu and Shenai for at least the reason that the references, individually or as combined, failed to disclose or suggest each and every limitation in any of those claims.

As amended, independent claim 62 recites patterning a dielectric material to form a pair of adjacent blocks separated by a gap, forming a pair of spacers within the gap, removing the spacers, and depositing a material comprising at least one of a metal and a metal nitride within the gap. The amendment to claim 1 is supported by the specification at, for example, Figs. 28-29, and the text at paragraphs 114-115. Yu discloses depositing polysilicon within an opening and chemical-mechanical polishing to form a new gate 42 (Col. 4 lines 38-42). Yu does not disclose or suggest the claim 62 recited depositing a material comprising at least one of a metal and a metal nitride within a gap between adjacent patterned blocks.

Shenai discloses formation of a substantially uniform layer along 32 of polycrystalline silicon and subsequent formation of tungsten silicide 134 over polysilicon 132 (Col. 5 lines 14-25 and Fig. 3D). Applicant notes that the Shenai Fig. 3D depicts planar layers formed over planar surfaces. Accordingly as combined with Yu, the Shenai disclosure of a tungsten silicide layer does not contribute toward suggesting the claim 62 recited depositing a material comprising at least one of a metal and a metal nitride within a gap between patterned blocks. Independent claim 62 is therefore not anticipated by or rendered obvious by Yu and Shenai and is allowable over these references.

Claims 63-65 are amended to properly depend from independent claim 62. Dependent claims 63-67 are allowable over Yu and Shenai for at least the reason that they depend from allowable base claim 62.

For the reasons discussed above, pending claims 62-67 are allowable. Accordingly, applicant respectfully requests formal allowance of such pending claims in the Examiner's next action.

Respectfully submitted,

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